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PRE-APPEAL BRIEF REQUEST FOR REVIEWDocket Number (Optional)
29250-002076/US

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Application Number
09/365,678Filed
August 2, 1999First Named Inventor
Eshwar PITTAMPALLI

On _____

Art Unit
2617Examiner
Dai Phuong

Signature _____

Typed or printed name _____

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 35,416.

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Signature

Gary D. Yacura
Typed or printed name703.668.8000
Telephone numberApril 30, 2009
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Eshwar PITTAMPALLI

Application No.: 09/365,678

Filed: August 2, 1999

Group Art Unit: 2617

Examiner: Phuong, Dai

For: METHOD OF MAINTAINING A COMMUNICATION LINK IN
WIRELESS NETWORK GROUPS

Attorney Docket: 29250-002076/US

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Mail Stop AF

April 30, 2009

REASONS FOR REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

Sir:

Further to the concurrent filing of the attached Notice of Appeal, the following remarks are submitted in connection with the above-identified patent application under the Pilot Program for Pre-Appeal Brief Conference (Off. Gaz. Patent & Trademark Office, Vol. 1296, No. 2, July 12, 2005).

Claims 1-19 are pending. Of those, claims 1, 11 and 18 are independent.

Rejections for which Conference is Requested

A Pre-Appeal-Brief Conference is requested to review the rejection of claims 1-3, 4, and 8 under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,041,358 ("Huang I"); the rejection of claims 5-7, and 9-10 under 35 U.S.C. §103(a) as being unpatentable over Huang I in view of U.S. Patent No. 5,396,541 ("Farwell"); the rejection of claims 11-19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,448,569 ("Huang II") in view of U.S. Patent No. 5,633,888 ("Stewart").

Claims 1-2, and 4 – Huang I

Initially, Applicants' direct the conferees' attention to Applicants' arguments on pages 7-8 of the October 15, 2008 Response. With respect to claim 1, the Examiner cites Col. 9, lines 45-63 of Huang I, which describes a handoff process between a mobile MT and two base stations BS. However, Huang I clearly fails to teach "transmitting a message to the dependent indicating to the dependent to register with a communications network", as claim 1 recites, at least because Huang I does not teach sending a message **to the MT indicating the MT to register with a communications network**. Further, Applicants note on page 10 of the December 31, 2008 Office Action, the Examiner again references column 9, lines 46-63 of Huang I and asserts that the MT taught by Huang I knows the VLAN-ID of the new VLAN containing the second base station to which the MT is switching. The Examiner then appears to assert that it is inherent that "the system" sends a message to the MT including the VLAN-ID of the VLAN of the second base station. Applicants respectfully disagree. First, nothing in Huang I teaches sending a message to the MT including the VLAN-ID of the second base station. On the contrary, Huang I suggests that it is the MT that initiates a hand-off procedure, and not a message sent to the MT (Huang I: col. 9, ln. 53-56). Next, with respect to the MT knowing the VLAN-ID of the second base station, Huang I simply states "During the handoff, the MT knows the VLAN-ID of the new VLAN containing the second BS". Huang I is **silent** with respect to how the MT knows the VLAN-ID of the second base station. Further, even if we assume, *for the sake of argument*, that the VLAN-ID of the second base station must be transmitted to the MT via some message, Huang I still says nothing about the nature of this alleged

message, when this alleged message is sent, or what does or does not happen in response to this alleged message being sent. Accordingly, Huang I cannot possibly teach that this alleged message **indicates** “to the dependent to register with a communications network using a frequency band $f_{\text{band}(2)}$ ” as claim 1 recites. Consequently, Huang I fails to teach each of the elements of claim 1, or any claims depending from claim 1, as is required to support a rejection under §102.

Claims 5-7, and 9-10 – Huang I and Farwell

As is stated above, Huang I fails to teach each of the limitations of claim 1. Further, the Examiner does not identify anything in Farwell as teaching “transmitting a message to the dependent indicating to the dependent to register with a communications network” as claim 1 recites. Accordingly, neither Huang I, nor Farwell, alone or in combination teach each of the limitations of claim 1. Consequently, the Examiner has not established a *prima facie* case of obviousness with respect to claim 1, or any of the claims which depend from claim 1, as is required to support a rejection under §103.

Claims 11-19 – Huang II and Stewart

Applicants respectfully submit neither Huang II, nor Stewart, alone or in combination, teach “continuously monitoring for frequency hopping sequences” and “registering a dependent with one of (1) the controller and (2) a second master device & the controller if the dependent detects a signal transmitted on a second frequency hopping sequence” where the signal has “**a higher signal strength**” than a signal transmitted on the first frequency hopping sequence”, as claim 11 recites.

With respect to Huang II, the Examiner admits Huang II fails to teach the aforementioned limitation from claim 11 (December 31, 2008 Office Action: p. 7) With respect to Stewart, the Examiner appears to read the ‘mobile device’ in Stewart as the ‘dependent’ in claim 11. Stewart teaches a process whereby, once a received signal strength for a mobile device drops below a given threshold, the mobile chooses an access point to switch to based on which access point has the highest ‘**adjacency value**’ (Stewart col. 10, ln. 15-20). The mobile determines which access point has the

highest adjacency value based on an 'adjacency matrix' which is transmitted to the mobile device from an access point and stored in the memory of the mobile device (Stewart col. 7, ln. 1-12). However, Stewart does not teach an adjacency value being equivalent to a detected signal strength. Applicants note that on page 10 of the December 31, 2008 Office Action, the Examiner references column 9, lines 1-8 of Stewart and asserts that adjacency values are derived from signal strength, and therefore, adjacency values correspond to signal strength. However, Stewart only states that signal strength information can be used to create an adjacency matrix (Stewart: col. 9, ln. 2-3). Stewart does not teach that an adjacency value is equivalent to a signal strength. On the contrary, Stewart lists a number of factors that are used, in addition to signal strength, to form an adjacency matrix including roam time between access points (Stewart: col. 9, ln. ln. 18-22); the direction in which devices tend to move (Stewart: col. 9, ln. ln. 35-40); the type of room an access point is in (Stewart: col. 9, ln. ln. 40-52); and a time of day, week, month or season (Stewart: col. 9, ln. ln. 52-55). Thus, an adjacency value is clearly not equivalent to a signal strength at least because an adjacency value is based on factors other than a signal strength. Accordingly, Stewart teaches a process whereby a mobile device switches to an access point having a highest **adjacency value**, not a "higher **signal strength**" (emphasis added) as claim 1 recites.

Further, Stewart teaches switching access points **when a current signal drops below a threshold value**. However the trigger for switching is different in the method recited in claim 11. Stewart simply does not teach switching access points if an access point with a higher signal value is detected. Accordingly, neither Huang, nor Stewart, alone or in combination, teach "registering the dependent with one of (1) the controller and (2) a second master device and the controller if the dependent detects a signal", the signal "**having a higher signal strength** than a signal transmitted on the first frequency hopping sequence" (emphasis added) as claim 11 recites. Thus, neither Huang II, nor Stewart, alone or in combination teach each of the limitations in claim 11. Consequently, the Examiner has not established a *prima facie* case of obviousness with respect o claim 11, or any claims depending from claim 11, as is required to support a rejection under §103.

With respect to claim 18, the Examiner asserts claim 18 is rejected for the same reasons as claim 11. However, in the Examiner's discussion of claim 11, the Examiner failed to identify anything in Huang II or Stewart that teaches "transmitting an unregistration message over the second frequency hopping sequence if the strength of the first frequency hopping sequence falls below a threshold value" as claim 18 recites. Applicants note the Examiner's comment on page 11 of the December 31, 2008 Office Action which discusses registration and appears to quote column 3, lines 37-54 of Huang II. Huang II teaches that a communication path between a remote station and a home base may be lost due to fading conditions. However, the Examiner has still failed to identify anything in Huang II or Stewart that teaches an "unregistration message" (emphasis added) as claim 18 recites.

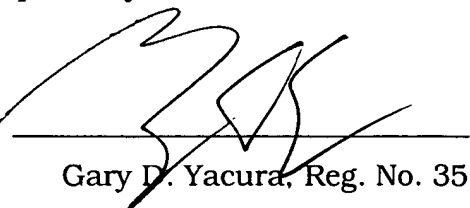
Consequently, at least for the reasons stated above, the Examiner has failed to establish a *prima facie* case of obviousness with respect to claim 18 as is required to support a rejection under §103.

CONCLUSION

In view of the above remarks, Appellants request the Pre-Appeal Brief Conference to find in favor of Appellants' positions and arrange for withdrawal of the above-noted rejections.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-2025 for any additional fees under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

By 

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